

# Notice of Allowability

Application No.

10/654,419

Examiner

Meless N. Zewdu

Applicant(s)

SHAPIRA, AHARON

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/19/07.
2. ☒ The allowed claim(s) is/are 1-30.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 7/19/07
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the communication filed on 7/19/07.
2. The replacement drawings (for figs. 3-6) submitted on 7/19/07 have been approved by examiner.
3. Claims 1-30 are original (previously presented) claims.
4. Claims 31-49 have been added new.
5. Claims 1-49 are pending in this action.
6. Claims 31-49 are withdrawn from further consideration (see attached examiner amendment and interview summary).
7. Claims 1-30 are allowed.

## **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eastman, Jon (Reg. No. 58,296) on September 21, 2007..

The application has been amended as follows:

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**Please amend the claims as follows:**

In claim 1, lines 3-4, change "**each capable of carrying**" into ---each configured to carry ---

In claim 1, line 5, change "**available**" into --- unused ---

In claim 1, line 5, change "**allocable**" into --- allocated ---

In claim 2, line 2, change "**allocable**" into --- allocated ---

In claim 3, line 4, change "**allocable**" into --- allocated ---

In claim 9, line 1, change "**the ratio**" into --- a ratio ---

In claim 13, line 4, cancel, "**may**",

In claim 13, line 4, change "**carry**" into --- carrying ---

In claim 13, line 6, change "**capable of carrying**" into --- configured to carry ---

In claim 13, line 7, change "**available**" into --- unused ---

In claim 14, line 2, change "**allocable**" into --- allocated ---

In claim 15, line 3, cancel, "**possibly**",

In claim 15, line 3, change "**allocable**" into --- allocated ---

In claim 17, line 1 change, "**the ratio**" into --- a ratio ---

In claim 21, line 4, change "**may carry**" into --- carries ---

In claim 21, line 5, change "**combinable**," into --- combined ---

In claim 21, line 7, change "**available**" into --- unused ---

In claim 22, line 2, change "**allocable**" into --- allocated ---

In claim 23, line 3, change "**possibly allocable**" into --- allocated ---

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In claim 24, line 1, next to "**subscriber unit**", insert "**, in the plurality of subscriber units,**" ---

In claim 25, line 1, change "**the ratio**" into --- a ratio ---

In claim 29, line 4, change "**may carry**" into --- carrying ---

In claim 29, line 5, change "**available**" into --- unused ---

In claim 29, line 6, change "**allocable**" into --- allocated ---

In claim 30, lines 3-4, change "**each may carry**" into --- each carrying ---

In claim 30, line 55, change "available" into --- unused ---

In claim 30, line 6, change "allocable" into --- allocated ---

### ***Allowable Subject Matter***

Claims 1-30 are allowed.

The following is an examiner's statement of reasons for allowance:

**As per claims 1-30:** the claims are directed to allocating data channels to subscriber units. Within the context of, particularly claims 1, 13, 21, 29 and 30, the prior art of record does not teach or fairly suggest, identifying all active subscriber units, for which there is data waiting to be transmitted, and calculating priority factors for each subscriber unit, as a function of associated power levels, as recited in the claims mentioned.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meless N. Zewdu whose telephone number is (571) 272-7873. The examiner can normally be reached on 8:30 am to 5:00 pm..

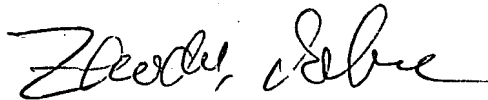
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Appiah Charles can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Meless Zewdu

A handwritten signature in black ink, appearing to read 'Zewdu, Meless', written in a cursive style.

Primary examiner

21 September 2007.